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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,537	08/29/2001	Jong Chen	67,200-477	4317

7590 09/20/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/941,537

Applicant(s)

CHEN ET AL.

Examiner

John Ruggles

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 7/21/04(3<sup>rd</sup> Revised) is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet



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571-272-1390

Continuation of 9. Other (including any explanation in support of the above items):

Item 2: The brief again fails to state the correct status of ALL claims, pending and CANCELLED (as required in the previous notification of non-compliance mailed on 25 June 2004). In addition to currently cancelling claims 25-26, the amendment filed on 21 July 2004, which has now been entered, reaffirms that claims 4-6, 9, 12, and 16 were previously cancelled. Therefore, Appellants should have indicated in the "Status of Claims" section that ALL of claims 4-6, 9, 12, 16, and 25-26 have been CANCELLED. This leaves only claims 1-3, 7-8, 10-11, 13-15, and 17-24 as pending and under appeal (these pending and appealed claims were correctly indicated).

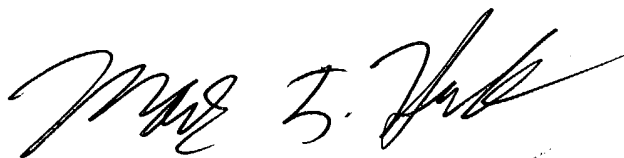
Item 6 (a): While claims 17 and 24 both appear in the list of claims for Group IV, NEITHER of claims 17 and 24 are included in the argument for Issue 4, NOR are either of claims 17 and 24 found in any of the arguments for the other issues (Issues 1-3 and 5-7). Furthermore, claim 14 has been excluded from both the claim groupings for Groups I-VII and was also not mentioned in any of the arguments for Issues 1-7.

Item 8: While the brief contains an appendix of the appealed claims, claims 11 and 15 in this appendix are NOT correct, because Appellants have failed to incorporate their proposed amendments thereto, which have now been entered as indicated by a separate Advisory Action mailed on or about the same date as this Office action (for the reasons explained therein). Appellants were previously informed in the Office actions mailed on 25 June 2004 that they should assume entry of that amendment, corrected only for compliance from the previously offered version thereof.

Appellants' response to this Office action must be an amended appeal brief that (1) has an appendix with a CORRECT and complete version of the claims under appeal (as they now stand after entry of the amendment filed on 21 July 2004) and (2) overcomes each and every other reason for non-compliance with 37 CFR 1.192(c) as pointed out above (without introducing any further errors), to avoid dismissal of this appeal.



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